



PROTECTING CHILDREN FROM THE TOBACCO INDUSTRY

Using Human Rights Standards and Mechanisms to
Protect Children from the Tobacco Industry

World No Tobacco Day 2024



Unfairtobacco

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CHILDREN AND TOBACCO



There are 1.3 billion tobacco users worldwide. Globally, the estimated number of young teen males and females 13–15 years old who smoke cigarettes or use smokeless tobacco products is approximately 50 million. [1] As many as half of them will die from tobacco use.

While tobacco consumption has gone down in many countries around the world, youth tobacco consumption is still a huge concern. The tobacco industry sees children as “replacement smokers.”[2] The industry targets children with advertising, flavored tobacco products, and sponsorship of events.

The tobacco industry also contributes to several other issues that have a negative impact on the physical and mental health of children, including child labor, secondhand smoke, and the environment.

This report will further detail the myriad ways the tobacco industry harms children and how we can use global human rights standards and tools to protect children from the tobacco industry.

HOW TOBACCO VIOLATES CHILDREN'S HUMAN RIGHTS



ENVIRONMENT

The entire life cycle of a cigarette has an impact on the environment – from growing the tobacco to throwing away the cigarette butt and beyond. Cigarette filters are the number one form of litter worldwide – 4.5 trillion are littered every year.[3] They leach toxic chemicals into our ground and water.

“No group is more vulnerable to environmental harm than children. Air pollution, water pollution and exposure to toxic substances, together with other types of environmental harm, cause 1.5 million deaths of children under the age of 5 every year, and contribute to disease, disability and early mortality throughout their life.”[4]
This violates children’s right to health and right to a healthy environment.

CHILD LABOR

Child labor is rampant in the tobacco industry. “A report in 2011 estimated there were 1.3 million [child laborers] worldwide under the age of 14. The figures are hard to come by, but the International Labour Organization last year reported that child labour was on the increase, in spite of the tobacco companies’ protestations that they are working to end it.”[5]

This violates international child labor law and violates numerous human rights, including the right to health of the children who work in the fields and are susceptible to harms and illnesses such as green tobacco sickness.[6]



HUMAN RIGHTS TOOLS THAT ADDRESS CHILDREN'S RIGHTS

There are several international human rights mechanisms that protect the right to health of children. The overarching treaty, the Convention on the Rights of the Child, provides human rights arguments that can be used in advocacy at the local, national, regional, and international level.



CONVENTION ON THE RIGHTS OF THE CHILD

The United Nations Convention on the Rights of the Child (CRC) is an international agreement on childhood and the most widely ratified treaty in history. The CRC requires countries who are Parties to the treaty to report on their status upholding the elements of that treaty, in particular, their work to respect, protect and enforce the rights of children.[11]

General Comment 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health calls on Parties to implement globally agreed standards to protect children. The Comment "... encourages States parties that have not yet done so to ratify the international drug control conventions¹⁷ and the World Health Organization Framework Convention on Tobacco Control."^[12]

When countries are due to report, civil society organizations also have the opportunity to submit reports to the treaty body on that country's treaty implementation.

See section iv (a) for an example of human rights reporting in practice.



ADDITIONAL HUMAN RIGHTS TREATIES RELEVANT TO CHILDREN'S RIGHTS

There are other, topic specific treaties that pertain to children's rights.

The Convention on the Elimination of All Forms of Racial Discrimination (CERD) is relevant to some children, such as African American children in the United States who have been targeted with menthol advertisements by the tobacco industry.

The Convention on the Elimination of Discrimination Against Women (CEDAW) is relevant to girls, whose smoking rates are rising in numerous countries.

In addition, environmental treaties, such as the UN Treaty to End Plastic Pollution, which is currently being drafted, is relevant to all children. This treaty has the potential to protect children from tobacco by banning cigarette filters and all single use plastic tobacco products.



HOW TO USE HUMAN RIGHTS STANDARDS AND TOOLS TO PROTECT CHILDREN

There are human rights mechanisms and arguments that can help protect children and youth from the tobacco industry. At even the local level, human rights language can be incorporated into tobacco control advocacy; protecting the right to health of children is compelling at every level of government.



CONVENTION ON THE RIGHTS OF THE CHILD

In 2022, the German Network on Children's Rights and Tobacco Control, with support from ASH, submitted several statements[13] to the UN Committee on the Rights of the Child to complement the German State Report. As a result, for the first time, the Committee issued specific recommendations to strengthen protections for children from tobacco. The UN CRC recommended that Germany should improve education around the effects of tobacco use and secondhand smoke, regulate the marketing of tobacco to children, and hold tobacco companies accountable for infringing on children's rights in supply chains.[14] This recommendation is the direct result of engagement from civil society organizations, and is a tool that advocates should use more frequently to further tobacco control.

For additional information on submitting reports when your country is reporting, visit our Tobacco and Human Rights Hub [here](#).



PROACTIVE LITIGATION

The tobacco control community and governments have often played defense against the tobacco industry in court, but the courts can also be used proactively to protect children's rights. In the Netherlands, a criminal case against the tobacco industry gained significant public awareness and support even though it failed to win the approval of the courts.[15] This is a unique strategy that advocates can continue to explore to spur action.

In addition, litigation in other subject areas can serve as an example for new proactive litigation against the tobacco industry. Around the world, children have started bringing cases against their governments for failing to protect their human rights in the context of climate change.[16] The legal precedents created by these cases, "including with respect to the right to a healthy environment, will play an important role in advancing the rights of youth and future generations,"[17] including potentially for tobacco control.



TOBACCO ENDGAME

The most effective way to protect children from the harms and human rights abuses of the tobacco industry is to end the sale of commercial tobacco. As the Danish Institute for Human Rights concluded, “there can be no doubt that the production and marketing of tobacco is irreconcilable with the human right to health.”

Put simply, the best way to protect children from this addictive and deadly product is to stop selling it.



CONCLUSION

The tobacco industry violates the right to health of children all over the world. From targeted advertising all the way through the life cycle of the tobacco product, to tobacco product waste, children are being negatively impacted by the tobacco industry.

A human rights-based approach provides several ways to fight back. Advocates can utilize human rights treaty bodies, pursue proactive litigation, and fight for tobacco endgame policies. Whichever path we take, we must protect the next generation from the egregious human rights violations perpetrated by the tobacco industry.



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